

AGENDA MEMO

CITY COUNCIL MEETING DATE: JANUARY 9, 2008

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: SUP-25259 - APPLICANT: FIESTA DISCOUNT MARKET -
OWNER: DONALD S GILDAY REVOCABLE FAMILY TRUST**

**** CONDITIONS ****

The Planning Commission (5-1/ldvote) and staff recommend DENIAL.

Planning and Development

1. Conformance to all minimum requirements under LVMC Title 19.04.010 for Packaged Liquor Off-Sale use, including parking requirements.
2. Conformance to the conditions for Rezoning (Z-0005-77) and Special Use Permit (U-0193-00) if approved.
3. This approval shall be void one year from the date of final approval, unless a business license has been issued to conduct the activity, if required, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.
4. Approval of this Special Use Permit does not constitute approval of a liquor license.
5. The sale of individual containers of any size of beer, wine coolers or screw cap wine is prohibited. All such products shall remain in their original configurations as shipped by the manufacturer. Further, no repackaging of containers into groups smaller than the original shipping container size shall be permitted.
6. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.

** STAFF REPORT **

PROJECT DESCRIPTION

This request is for a Special Use Permit for proposed Packaged Liquor Off-Sale in an existing convenience store located at 7010 West Charleston Boulevard. The convenience store occupies approximately 1,664 square feet of retail space within a small strip center. A tavern and a restaurant are also located in the commercial center. In the immediate surrounding area of the center there is a convenience store to the east and another tavern on the south side of Charleston Boulevard.

In 2000, a request for a Special Use Permit to allow Packaged Liquor sales on this site was approved, although it was conditioned to limit sale of beer and wine only. Staff does not recommend approval of the Special Use Permit for Package Liquor Off-Sale Establishment because of the saturation of liquor sales within the adjacent area.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
02/07/01	The City Council approved a request for a Special Use Permit (U-0193-00) for Packaged Liquor Sales in conjunction with an existing convenience store on 0.29 acres located at 7010 West Charleston Boulevard. Planning Commission recommended approval and Conditioned to limit to sale of beer and wine only.
12/06/07	The Planning Commission voted 5-1/ld to recommend DENIAL (PC Agenda Item #38/lhm).
Related Building Permits/Business Licenses	
11/04/99	Fiesta Discount Market / Non –Work Certificate of Occupancy 7010 W Charleston Blvd
Business License	(In order by address)
01/22/03	Pizza Hut / Amusement Machines (C08-01038) 7000 W Charleston Blvd
10/24/07	Pizza Hut / Beer/Wine/Cooler (L09-00014) 7000 W Charleston Blvd
01/13/03	Pizza Hut / Restaurant (R09-00112) 7000 W Charleston Blvd
12/4/97	Boodles Lounge (C05-01003) 7002 West Charleston Blvd
12/4/97	Boodles Lounge / Tavern (R07-00266) 7002 West Charleston Blvd
03/14/06	Boodles Lounge / (C20-01833) 7002 West Charleston Blvd
03/14/06	Boodles Lounge (L16-00059) 7002 West Charleston Blvd
12/04/97	Boodles Lounge (C05-01003) 7002 West Charleston Blvd
04/09/03	Fiesta Discount Market / Tobacco Sales (C05-02235) 7010 W Charleston Blvd
04/09/03	Fiesta Discount Market / Beer/Wine/Cooler Off Sale (L10-00236) 7010 W Charleston Blvd
04/09/03	Fiesta Discount Market / Convenience Store (C15-00307) 7010 W Charleston Blvd

12/29/05	Fiesta Discount Market / Convention Hall Gaming Tax (C20-02150) 7010 W Charleston Blvd
10/31/07	Fiesta Discount Market / Check Cashing Service Limited (C23-00014) 7010 W Charleston Blvd
12/29/05	Fiesta Discount Market / Gaming Restricted (G01-02152) 7010 W Charleston Blvd
11/17/06	Dapper Dogs / Pet Grooming (P05-00249) 7014 W Charleston Blvd
06/02/07	Debbie Rasttatter / Pet Grooming (P05-00424) 7014 W Charleston Blvd
01/20/00	Salon West / Cosmetological Establishment (B05-02748) 7016 W Charleston Blvd
01/20/00	Salon West / Beauty, Cosmetic Sales (B05-02748) 7016 W Charleston Blvd
05/19/05	CCC & Associates Inc /Contractor/ (C11-07840) 7020 W Charleston Blvd
11/07/05	Elladas Shoes (S07-00443) 7022 W Charleston Blvd
06/16/04	Desert Wind Engraving (M06-01592) 7026 W Charleston Blvd
01/26/01	A Bruce Kasten /Bookkeeper (A23-01264) 7028 W Charleston Blvd
10/20/04	S&J Lawn Service (L33-00333) 7028 W Charleston Blvd
02/23/99	Pro Cyclery / Bicycles Sales/Repair / Rentals (B05-00031) 7034 W Charleston Blvd
08/27/07	Pro Wheel Builder / Bicycles Sales/Repair / Rentals (B05-00069) 7034 W Charleston Blvd
Pre-Application Meeting	
10/11/07	Discussed with applicant submittal requirements to apply for a Special Use Permit.
Neighborhood Meeting	
A neighborhood meeting is not required nor was one held.	
Field Check	
10/31/07	There is a tavern in the strip center. This is an older commercial center built in 1978, and which maybe parking impaired. At the time of the site visit, mid morning, lot was half full.

Details of Application Request	
Site Area	
Net Acres	1.19

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Commercial	SC (Service Commercial)	C-1 (Limited Commercial)
North	Residential	ML (Medium Low Density)	R-CL(Residential Compact Lot)
South	Commercial	SC (Service Commercial)	C-1 (Limited Commercial)
East	Commercial	SC (Service Commercial)	C-1 (Limited Commercial)
West	Residential	ML (Medium Low Density)	R-CL(Residential Compact Lot)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan		X	
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts		X	
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

DEVELOPMENT STANDARDS

Pursuant to Title 19.10, the following parking standards apply:

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required		Provided		Compliance	
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
General Retail	12,217	1 per 250 gfa	47	2			N*
Restaurant	2,250 s.f.	1 per 50 s.f. of public space plus 1 per 200 s.f. with min of 10 spaces	31	2			N*
Tavern	2,484 s.f.	1 per 50 s.f. of public space plus 1 per 200 s.f. with min of 10 spaces	45	2			N*
Market (General Retail Store less than 3500 s.f.)	1,664 s.f.	1 per 175 s.f. of gfa	9	1			N*
TOTAL (including handicap)			132	7	92	3	

*As Per Title 19.10 - The existing commercial center is considered a "Parking Impaired Development." It complied with the applicable parking standards at the time the use or building was established, but does not comply with the current parking requirements. The proposed use of Package Liquor Off-Sale Establishment does not require additional parking beyond that which is required for the primary use(s) on the site.

ANALYSIS

The request is to allow a Package Liquor Off-Sale Establishment in an existing market. The subject site is located on a 1.19 acre parcel within a commercial subdivision. Per Title 19.04, separation requirement is not required for a proposed Package Liquor Off-Sale Establishment from any existing establishments with alcohol sales. However, a restaurant, two taverns and a convenience store with liquor sales are within close proximity to the subject site.

- **General Plan and Zoning**

The project site is designated for SC (Service Commercial) uses in the General Plan and zoned as C-1 (Limited Commercial). In accordance with Title 19 - Section 19.04 Beer/Wine/Cooler on-site sales is an allowable use with a Special Use Permit.

- **Separation Distance**

No protected uses such as churches, public parks, schools or daycare centers are located within 400 feet of the proposed project. Although within the 400 feet radius there are four other establishments with alcohol on and off sale entitlements. This particular area is saturated with liquor sales.

- **Parking**

The existing 1,664 square foot market is located in a commercial center that is considered a parking impaired development. However, pursuant to Title 19.04 for Package Liquor Off-Sale Establishment uses no additional parking is required for the proposed use beyond that required of the primary use.

FINDINGS

The following findings must be made for a Special Use Permit:

1. **“The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.”**

The proposed land use is not compatible with surrounding land uses as there are existing establishments in close proximity to the subject site with on and off liquor sales.

2. “The subject site is physically suitable for the type and intensity of land use proposed.”

The subject site is not physically suitable and intensity as there are existing establishments in close proximity to the subject site.

3. “Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.”

The site will have access to Charleston Boulevard and Antelope Way. The streets are adequate to serve the proposed use. The site access and on-site circulation will not negatively impact adjacent roadways or neighborhood traffic.

4. “Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”

Within a 400-foot radius there are four establishments providing on or off sale liquor in the immediate area. The use compromises the public health, safety and welfare of the surrounding neighborhood as this commercial area has several liquor sales establishments.

5. The use meets all of the applicable conditions per Title 19.04.

As an older commercial center the site is parking impaired, otherwise the use meets all conditions of Title 19.04.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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ASSEMBLY DISTRICT 3

SENATE DISTRICT 8

NOTICES MAILED 576 by City Clerk

APPROVALS 2

PROTESTS 3